

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN BAKER,

Plaintiff,

v.

AVENUE5 RESIDENTIAL, *et al.*,

Defendants.

CASE NO. C24-0300-JCC

ORDER

This matter comes before the Court *sua sponte*. Plaintiff lodged a complaint with the Court on March 11, 2024, after the Honorable S. Kate Vaughan, United States Magistrate Judge, granted Plaintiff's application to proceed in forma pauperis. (*See* Dkt. Nos. 6, 7). Plaintiff then sought summons, which the Clerk issued March 28, 2024. (*See* Dkt. No. 15.) Plaintiff has not yet filed an affidavit demonstrating service of that summons. *See* Fed. R. Civ. P. 4(l).

Rule 4(m) provides that if a defendant "is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). However, if a plaintiff shows good cause for the failure to serve, the court must extend the time for service for an appropriate period. *Id.* The burden of establishing good cause is on the plaintiff. *Tucker v. City of Santa Monica*, 2013 WL 653996 slip op. at 2 (C.D. Cal. 2013).

1 Plaintiff previously twice sought an extension of time for service in this matter, which the
2 Court provided, after finding good cause to do so. (*See* Dkt. Nos. 21–24.) The Court has closely
3 reviewed Plaintiff’s latest submission (Dkt. No. 25) and does not find that it demonstrates good
4 cause for a further extension of time for service.

5 Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), the complaint is
6 DISMISSED without prejudice.

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8 DATED this 30th day of September 2024.

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11 A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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